

## **REMARKS**

**[0003]** Applicant respectfully requests entry of the following remarks and reconsideration of the subject application. Applicant respectfully requests entry of the amendments herein. The remarks and amendments should be entered under 37 CFR. § 1.116 as they place the application in better form for appeal, or for resolution on the merits.

**[0004]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-12, and 20-37 are presently pending. Claims amended herein are 1, 12, 20, and 26. Claims withdrawn or cancelled herein are none. New claims added herein are none.

### **Formal Request for an Interview**

**[0005]** If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can discuss this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

**[0006]** Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

## **Claim Amendments**

**[0007]** Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 12, 20 and 26 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

**[0008]** The amendments directed to clarifying the definition of a pipeline are supported by what is understood to be the definition of a pipeline by one skilled in the art.

## **Substantive Matters**

### **Claim Rejections under § 102**

[0009] 1-12 and 20-37 are rejected under 35 U.S.C. § 102. In light of the amendments herein presented, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

### **Anticipation Rejections**

[0010] Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.<sup>1</sup> Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.<sup>2</sup>

### **Based upon Muhlestein**

[0011] The Examiner rejects claims 1-12 and 20-37 under 35 U.S.C. § 102(e) as being anticipated by Muhlestein. Applicant respectfully traverses this rejection. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

---

<sup>1</sup> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

<sup>2</sup> See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Independent Claims 1, 12, 20, and 26

[0012] Applicant submits that Muhlestein does not anticipate these claims because it does not disclose at least the following features as recited in these claims (with emphasis added):

a pipeline of object-based commands (pipeline), wherein **a pipeline is a plurality of commands entered as a single command string on a command line**, each particular command separated from each other particular command by a delimiter and executed serially

[0013] Rather, Muhlstein describes a set of commands, each submitted and executed individually. Muhlstein's set of commands is not, "entered as a single command string on a command line," as recited in the claims.

[0014] Consequently, **Muhlstein** does not disclose all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of these claims.

Dependent Claims 2-11, 21-25, and 27-37

[0015] These claims ultimately depend upon independent claims 1, 12, 20, or 26. As discussed above, claims 1, 12, 20, and 26 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim

is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

## **Conclusion**

[0016] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC  
Representatives for Applicant

/Clay D. Hagler/ Reg. 61,804                      Dated:   11/17/2008  

Kayla D. Brant ([kayla@leehayes.com](mailto:kayla@leehayes.com); 509.944.4742)

Registration No. 46,576

Clay D. Hagler ([clay@leehayes.com](mailto:clay@leehayes.com); 509.944.4723)

Registration No. 61804

Customer No. **22801**

Telephone: (509) 324-9256

Facsimile: (509) 323-8979

[www.leehayes.com](http://www.leehayes.com)